

REMARKS**DUPLICATE CLAIMS**

The Office Action at page 2 advises Applicants stating:

Applicant is advised that should claims 5, 11, 17, 23, 29 and 35 be found allowable, claims 6, 12, 18, 24, 30 and 36 respectively, will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof.

In response, Applicants respectfully submit that claims 6, 12, 18, 24, 30, and 36 are not substantial duplicates of claims 5, 11, 17, 23, 29, and 35 respectively because claims 6, 12, 18, 24, 30, and 36 have a different scope than claims 5, 11, 17, 23, 29, and 35 respectively. Section 706.03(k) of the MPEP clearly states that “court decisions have confirmed applicant's right to restate (i.e., by plural claiming) the invention in a reasonable number of ways. Indeed, a mere difference in scope between claims has been held to be enough.” Claims 6, 12, 18, 24, 30, and 36 have a different scope than claims 5, 11, 17, 23, 29, and 35 because claims 6, 12, 18, 24, 30, and 36 depend respectively from claims 5, 11, 17, 23, 29, and 35 and include additional limitations not contained in claims 5, 11, 17, 23, 29, and 35. For example, consider the relationship between claim 5 and claim 6 in the present application. Claim 5 of the present application claims:

5. The method of claim 1 further comprising notifying at least one of the plurality of devices that the display apparatus is busy.

Claim 6 of the present application depends from claim 5 and includes additional limitations not contained in claim 5. Claim 6 of the present application claims:

6. The method of claim 5 wherein notifying at least one of the plurality of devices that the display apparatus is busy comprises:

creating, in the display apparatus a busy message; and

transmitting the busy message to at least one of the plurality of devices.

A similar relationship exists between claims 11, 17, 23, 29, and 35 and claims 12, 18, 24, 30, and 36 respectively. Because claims 6, 12, 18, 24, 30, and 36 have a different scope than claims 5, 11, 17, 23, 29, and 35, Applicants respectfully note that claims 6, 12, 18, 24, 30, and 36 are not substantial duplicates of claims 5, 11, 17, 23, 29, and 35.

CLAIM REJECTIONS – 35 U.S.C § 102(b) OVER LORTZ

Claims 1-36 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lortz (US 6,434,548 B1). To anticipate claims 1-36 under 35 U.S.C. § 102(b), two basic requirements must be met. The first requirement of anticipation is that Lortz must disclose each and every element as set forth in Applicants' claims. The second requirement of anticipation is that Lortz must enable Applicants' claims. Lortz does not meet either requirement and therefore does not anticipate Applicants' claims.

Lortz Does Not Disclose Each and Every Element Of Independent Claim 1 Of The Present Application

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As explained in more detail below, Lortz does not disclose each and every element of claim 1, and Lortz therefore cannot be said to anticipate the claims of the present application within the meaning of 35 U.S.C. § 102(b).

Independent claim 1 of the present application claims:

1. A computer implemented method for displaying a help resource associated

with a device on a remote display apparatus, the method comprising:

receiving, in a display apparatus, a plurality of help messages created in a plurality of devices;

prioritizing one of the plurality of help messages;

retrieving, in dependence upon the prioritized help message, a help resource; and

displaying, with the display apparatus, the help resource.

**Lortz Does Not Disclose Receiving, In A Display Apparatus,
A Plurality Of Help Messages Created In A Plurality Of Devices**

The first element of claim 1 in the present application claims “receiving, in a display apparatus, a plurality of help messages created in a plurality of devices” The Office Action at page 3 takes the position that Lortz at column 1, line 59-61 discloses the first element of claim 1. Applicants respectfully note in response, however, that what Lortz at column 1, lines 59-61, in fact discloses is:

A connection notification is received for the network-attachable device over a first data path.

That is, Lortz at column 1, lines 59-61, discloses receiving a connection notification for a network-attachable device. Lortz’ receiving a connection notification for a network-attachable device, however, does not disclose receiving in a display apparatus, a plurality of help messages created in a plurality of devices as claimed in the present application because Lortz’ connection notification is not a help messages as claimed in the present application. That is, receiving a connection notification does not disclose receiving a help message. Furthermore, the cited portion of Lortz does not disclose receiving anything in a display apparatus. In fact, Lortz at column 1, lines 59-61, never even mentions a ‘display apparatus.’ Still further, Lortz’ receiving a connection notification

for a network-attachable device does not disclose receiving in a display apparatus, a plurality of help messages created in a plurality of devices as claimed in the present application because the cited portion of Lortz only receives a *single* connection notification from a *single* network-attachable device—not a *plurality* of help messages created in a *plurality* of device as claimed in the present application. Because Lortz does not disclose each and every element and limitation of Applicants’ claims, Lortz does not anticipate Applicants’ claims, and the rejections should be withdrawn.

Lortz Does Not Disclose Prioritizing One Of The Plurality Of Help Messages

The second element of claim 1 in the present application claims “prioritizing one of the plurality of help messages” The Office Action at page 3 takes the position that Lortz at column 5, lines 28-30, discloses the second element of claim 1. Applicants respectfully note in response, however, that what Lortz at column 5, lines 28-30, in fact discloses is:

And customization information generally includes setting user preferences; for the VCR, this can include color adjustment, sound, modes, preferred channels, and the like.

That is, Lortz at column 5, lines 28-30, discloses setting user preferences such as color adjustment, sound, modes, preferred channels, and so on. Lortz’ setting user preferences, however, does not disclose prioritizing one of the plurality of help messages as claimed in the current application. In fact, the cited portion of Lortz never even mentions a help message and does not disclose prioritizing anything. Without more, Lortz at column 5, lines 28-30, cannot disclose prioritizing one of the plurality of help messages as claimed in the current application. Because Lortz does not disclose each and every element and limitation of Applicants’ claims, Lortz does not anticipate Applicants’ claims, and the rejections should be withdrawn.

**Lortz Does Not Disclose Retrieving, In Dependence
Upon The Prioritized Help Message, A Help Resource**

The third element of claim 1 in the present application claims “retrieving, in dependence upon the prioritized help message, a help resource” The Office Action at page 3 takes the position that Lortz at column 5, lines 19-21, discloses the third element of claim 1. Applicants respectfully note in response, however, that what Lortz at column 5, lines 19-21, in fact discloses is:

In response a configuring device 102 (FIG.1) retrieves 174 installation, configuration and customization data for the device. (FIG. 4 details block 174 operation.)

That is, Lortz at column 5, lines 19-21, discloses retrieving installation, configuration, and customization data for a device in response to the device being attached to a network. Lortz’ retrieving installation, configuration, and customization data for a device, however, does not disclose retrieving, in dependence upon the prioritized help message, a help resource as claimed in the current application because Lortz’ installation, configuration, and customization data is not a help resource as claimed in the present application. Furthermore, Lortz’ retrieving installation, configuration, and customization data for a device does not disclose retrieving, in dependence upon the prioritized help message, a help resource as claimed in the current application because Lortz’s installation, configuration, and customization data is not retrieved in dependence upon any prioritized help message. In contrast, Lortz’s installation, configuration, and customization data is retrieved in response to a connection notification. *See* Lortz at column 5, lines 16-19. As such, Lortz at column 5, lines 19-21, does not disclose retrieving, in dependence upon the prioritized help message, a help resource as claimed in the current application. Because Lortz does not disclose each and every element and limitation of Applicants’ claims, Lortz does not anticipate Applicants’ claims, and the rejections should be withdrawn.

**Lortz Does Not Disclose Displaying,
With The Display Apparatus, The Help Resource**

The fourth element of claim 1 in the present application claims “displaying, with the display apparatus, the help resource.” The Office Action at page 3 takes the position that Lortz at column 5, lines 38-39, discloses the fourth element of claim 1. Applicants respectfully note in response, however, that what Lortz at column 5, lines 38-39, in fact discloses is:

If the device cannot be remotely configured, then block 178 corresponds to simply displaying retrieved 174 install data to a user interface, e.g. to a web browser displayed by the configuring device 102.

That is, Lortz at column 5, lines 38-39, discloses displaying install data to a user interface. Lortz’s displaying install data to a user interface, however, does not disclose displaying, with the display apparatus, the help resource as claimed in the current application because Lortz’s install data is not a help resource as claimed in the present application. Because Lortz does not disclose each and every element and limitation of Applicants’ claims, Lortz does not anticipate Applicants’ claims, and the rejections should be withdrawn.

**Lortz Does Not Disclose Each and Every Element
Of Independent Claim 7 Of The Present Application**

Turning now to independent claim 7, Lortz also does not disclose each and every element of claim 7, and Lortz therefore cannot be said to anticipate the claims of the present application within the meaning of 35 U.S.C. § 102(b). Independent claim 7 of the present application claims:

7. A computer implemented method for displaying a help resource associated with a device on a remote display apparatus, the method comprising:

receiving, in a services gateway, a plurality of help messages created in a plurality of devices;

prioritizing one of the plurality of help messages;

retrieving, in dependence upon the prioritized help message, a help resource; and

sending the help resource to a display apparatus for display.

**Lortz Does Not Disclose Receiving, In A Services Gateway,
A Plurality Of Help Messages Created In A Plurality Of Devices**

The first element of claim 7 claims “receiving, in a services gateway, a plurality of help messages created in a plurality of devices” The Office Action at page 3 takes the position that Lortz at column 1, line 59-61 discloses the first element of claim 7. Applicants respectfully note in response, however, that what Lortz at column 1, lines 59-61, in fact discloses is:

A connection notification is received for the network-attachable device over a first data path.

That is, Lortz at column 1, lines 59-61, discloses receiving a connection notification for a network-attachable device. Lortz’s receiving a connection notification for a network-attachable device, however, does not disclose receiving in a services gateway, a plurality of help messages created in a plurality of devices as claimed in the present application because Lortz’s connection notification is not a help message as claimed in the present application. That is, receiving a connection notification does not disclose receiving a help message. Furthermore, the cited portion of Lortz does not disclose receiving anything in a services gateway. In fact, Lortz at column 1, lines 59-61, never even mentions a ‘services gateway.’ Still further, Lortz’s receiving a connection notification for a network-attachable device does not disclose receiving in a services gateway, a plurality of help messages created in a plurality of devices as claimed in the present application because the cited portion of Lortz only receives a *single* connection notification from a *single* network-attachable device—not a *plurality* of help messages

created in a *plurality* of device as claimed in the present application. Because Lortz does not disclose each and every element and limitation of Applicants' claims, Lortz does not anticipate Applicants' claims, and the rejections should be withdrawn.

**Lortz Does Not Disclose Prioritizing One
Of The Plurality Of Help Messages**

The second element of claim 7 claims "prioritizing one of the plurality of help messages" The Office Action at page 3 takes the position that Lortz at column 5, lines 28-30, discloses the second element of claim 7. Applicants respectfully note in response, however, that what Lortz at column 5, lines 28-30, in fact discloses is:

And customization information generally includes setting user preferences; for the VCR, this can include color adjustment, sound, modes, preferred channels, and the like.

That is, Lortz at column 5, lines 28-30, discloses setting user preferences such as color adjustment, sound, modes, preferred channels, and so on. Lortz' setting user preferences, however, does not disclose prioritizing one of the plurality of help messages as claimed in the current application. In fact, the cited portion of Lortz never even mentions a help message and does not disclose prioritizing anything. Without more, Lortz at column 5, lines 28-30, cannot disclose prioritizing one of the plurality of help messages as claimed in the current application. Because Lortz does not disclose each and every element and limitation of Applicants' claims, Lortz does not anticipate Applicants' claims, and the rejections should be withdrawn.

**Lortz Does Not Disclose Retrieving, In Dependence
Upon The Prioritized Help Message, A Help Resource**

The third element of claim 7 claims "retrieving, in dependence upon the prioritized help message, a help resource" The Office Action at page 3 takes the position that Lortz at column 5, lines 19-21, discloses the third element of claim 7. Applicants respectfully note in response, however, that what Lortz at column 5, lines 19-21, in fact discloses is:

In response a configuring device 102 (FIG.1) retrieves 174 installation, configuration and customization data for the device. (FIG. 4 details block 174 operation.)

That is, Lortz at column 5, lines 19-21, discloses retrieving installation, configuration, and customization data for a device in response to the device being attached to a network. Lortz' retrieving installation, configuration, and customization data for a device, however, does not disclose retrieving, in dependence upon the prioritized help message, a help resource as claimed in the current application because Lortz' installation, configuration, and customization data is not a help resource as claimed in the present application. Furthermore, Lortz' retrieving installation, configuration, and customization data for a device does not disclose retrieving, in dependence upon the prioritized help message, a help resource as claimed in the current application because Lortz' installation, configuration, and customization data is not retrieved in dependence upon any prioritized help message. In contrast, Lortz' installation, configuration, and customization data is retrieved in response to a connection notification. *See* Lortz at column 5, lines 16-19. As such, Lortz at column 5, lines 19-21, does not disclose retrieving, in dependence upon the prioritized help message, a help resource as claimed in the current application. Because Lortz does not disclose each and every element and limitation of Applicants' claims, Lortz does not anticipate Applicants' claims, and the rejections should be withdrawn.

Lortz Does Not Disclose Sending the Help Resource to a Display Apparatus for Display

The fourth element of claim 7 claims "displaying, with the display apparatus, the help resource." The Office Action at page 3 takes the position that Lortz at column 5, lines 38-39, discloses the fourth element of claim 7. Applicants respectfully note in response, however, that what Lortz at column 5, lines 38-39, in fact discloses is:

If the device cannot be remotely configured, then block 178 corresponds to simply displaying retrieved 174 install data to a user interface, e.g. to a web browser displayed by the configuring device 102.

That is, Lortz at column 5, lines 38-39, discloses displaying install data to a user interface. Lortz' displaying install data to a user interface, however, does not disclose displaying, with the display apparatus, the help resource as claimed in the current application because Lortz' install data is not a help resource as claimed in the present application. Because Lortz does not disclose each and every element and limitation of Applicants' claims, Lortz does not anticipate Applicants' claims, and the rejections should be withdrawn.

Lortz Does Not Enable Each and Every Element
Of The Claims Of The Present Application

Not only must Lortz disclose each and every element of the claims of the present application within the meaning of *Verdegaal* in order to anticipate Applicants' claims, but also Lortz must be an enabling disclosure of each and every element of the claims of the present application within the meaning of *In re Hoeksema*. In *Hoeksema*, the claims were rejected because an earlier patent disclosed a structural similarity to the Appellant's chemical compound. The court in *Hoeksema* stated: "We think it is sound law, consistent with the public policy underlying our patent law, that before any publication can amount to a statutory bar to the grant of a patent, its disclosure must be such that a skilled artisan could take its teachings in combination with his own knowledge of the particular art and be in possession of the invention." *In re Hoeksema*, 399 F.2d 269, 273, 158 USPQ 596, 600 (CCPA 1968). The meaning of *Hoeksema* for the present case is that unless Lortz places Applicants' claims in the possession of a person of ordinary skill in the art, Lortz is legally insufficient to anticipate Applicants' claims under 35 U.S.C. § 102. As explained above, Lortz does not disclose each and every element and limitation of independent claims 1 and 7 of the present application. Because Lortz does not disclose each and every element and limitation of the independent claims, Lortz cannot possibly place the elements and limitations of the independent claims in the possession of a person of ordinary skill in the art. Lortz cannot, therefore, anticipate claims 1 and 7 of the present application.

Relations Among Claims

Independent claims 13 and 25 are system and computer program product claims for displaying a help resource associated with a device on a remote display apparatus that include “means for” and “means, recorded on [a] recording medium, for” limitations in a manner that corresponds to independent method claim 1. For the same reason that Lortz does not disclose or enable independent method claim 1, Lortz also does not disclose or enable independent system claim 13 and independent computer program product claim 25. Independent claims 13 and 25 are therefore patentable and should be allowed.

Independent claims 19 and 31 are system and computer program product claims for displaying a help resource associated with a device on a remote display apparatus that include “means for” and “means, recorded on [a] recording medium, for” limitations in a manner that corresponds to independent method claim 7. For the same reason that Lortz does not disclose or enable independent method claim 7, Lortz also does not disclose or enable independent system claim 19 and independent computer program product claim 31. Independent claims 19 and 31 are therefore patentable and should be allowed.

Claims 2-6, 8-12, 14-18, 20-24, 26-30, and 32-36 depend respectively from independent claims 1, 7, 13, 19, 25, and 31. Each dependent claim includes all of the limitations of the independent claim from which it depends. Because Lortz does not disclose or enable each and every element of the independent claims, Lortz does not disclose or enable each and every element of the dependent claims of the present application. As such, claims 2-6, 8-12, 14-18, 20-24, 26-30, and 32-36 are also patentable and should be allowed.

CONCLUSION

Claims 1-36 stand rejected under 35 U.S.C. § 102 as being anticipated by Lortz. As explained in detail above, Lortz does not disclose each and every element of Applicants' claims and does not enable Applicants' claims. As such, Lortz does not anticipate Applicants' claims. Claims 1-36 are therefore patentable and should be allowed.

Applicants respectfully traverse each rejection individually and request reconsideration of claims 1-36.

The Commissioner is hereby authorized to charge or credit Deposit Account No. 09-0447 for any fees required or overpaid

Respectfully submitted,

Date: April 9, 2007

By:



Thomas D. Fortenberry
Reg. No. 56,537
Biggers & Ohanian, LLP
P.O. Box 1469
Austin, Texas 78767-1469
Tel. (512) 472-9881
Fax (512) 472-9887
ATTORNEY FOR APPLICANTS